

Canada Elections Act

There is a qualification to that which says:

The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

I would like to point out, Mr. Speaker, in considering amendments to the Canada Elections Act, that the Canada Elections Act does not allow every citizen the right to vote and, therefore, contravenes the Constitution. I would like to give an example or two in order to illustrate my concerns in this area. The Canada Elections Act does not permit Canadians who happen to be out of their home poll to vote. An absentee voter, a person who has left his poll on legitimate reasons and must be away from the area in which he would normally vote, cannot vote in Canada except under very tight and constrained conditions.

I would point out that the Canada Elections Act does not make provision for people to vote who are in acute care hospitals. As a matter of fact, it is very disconcerting that during the last federal election, all over this country people were trying to get ambulances to take them home in order to vote; some of these people were in very dire circumstances. One of the most disturbing aspects of that polling procedure was that people in the extended care parts of the hospital could vote because that was their residence, their home, yet people in the acute care side had their vote taken away. I suggest, Mr. Speaker, that that right was removed in defiance of the Constitution.

The second problem is the occupational groups—fishermen, loggers, miners, prospectors, construction workers and any individual who has to travel on a short-term basis. These people are all discriminated against in terms of the current Canada Elections Act. Their right to vote has been removed. The Government of Canada in its wisdom made a provision in order to attempt to redress this problem and provided what is termed in Section 46 of the Canada Elections Act as the proxy system. But that system is not the right to vote. Through very restrictive and discriminatory provisions, it gives someone else the right to vote for you. It is not in any way controlled by the individual; it simply gives someone the right to vote for you. I say that is denying you the right to vote.

• (1540)

The Acting Speaker (Mr. Corbin): Order. I regret to interrupt the Hon. Member but I have been listening intently to his comments from the beginning and it seems to me he has departed somewhat from the object of the Bill now before the House, which relates to the publication of opinion polls. Perhaps the Hon. Member would attempt to explain to the Chair in what way his remarks are related to the motion now before the House.

Mr. Skelly: Mr. Speaker, on certain occasions there is a need to lay the groundwork for remarks concerning the matter before us. I think that within that general context my remarks would be better understood, so with the indulgence of the Chair I will continue. If the Chair loses the train, then maybe you can call it to my attention again.

The Acting Speaker (Mr. Corbin): Well, it is not a matter of the Chair losing the train. The Chair has not got on the train yet because I have not heard any references specifically to the object of the Bill. So I invite the Hon. Member to come to that point rather quickly.

Mr. Crouse: It is not getting on the train; it is getting on the track.

Mr. Skelly: Mr. Speaker, I think it is very important that we outline some reasons why we cannot support this Bill, one of which is the matter of omissions. I have raised this on numerous occasions with the Minister responsible. The point I would like to stress concerning any amendment to the Canada Elections Act, particularly the one before us, is that there is a very serious need to redress the problems with the Act which deprive people of the right to vote. If we talk about the problems with the Elections Act, such as the taking and publishing of polls which influence a person's vote, we should be considering those who have been excluded from the opportunity to vote.

Under this proxy system, Mr. Speaker, certain individuals have been given the right to appoint someone to vote for them. The point is that a proxy vote is not the right to vote, it is a denied vote. I think the case has to be made that before the next federal election this House of Commons must invite the Chief Electoral Officer of Canada to include in his report a procedure which allows for absentee voting in Canada in order to guarantee that an individual away from his home riding on election day, whether because of his occupation or otherwise, in fact has the right to vote.

It is interesting to note that the Chief Electoral Officer has not received any expressions of concern on this problem. The people I have talked to in this House who support that kind of amendment and who will be speaking directly to the Chief Electoral Officer about it are the Hon. Member for Regina West (Mr. Benjamin), the Hon. Member for Dauphin-Swan River (Mr. Lewycky), the Hon. Member for New Westminster-Coquitlam (Miss Jewett), the Hon. Member for Broadview-Greenwood (Ms. McDonald), the Hon. Member for Burnaby (Mr. Robinson), the Hon. Member for Vancouver-Kingsway (Mr. Waddell), the Hon. Member for Winnipeg North Centre (Mr. Knowles), the Hon. Member for Oshawa (Mr. Broadbent), the Hon. Member for Hamilton Mountain (Mr. Deans), the Hon. Member for Kamloops-Shuswap (Mr. Riis), the Hon. Member for Spadina (Mr. Heap), the Hon. Member for Nanaimo-Alberni (Mr. Miller), the Hon. Member for Kootenay East-Revelstoke (Mr. Parker), the Hon. Member for Cowichan-Malahat-The Islands (Mr. Manly), the Hon. Member for Selkirk-Interlake (Mr. Sargeant), the Hon. Member for Yorkton-Melville (Mr. Nystrom), the Hon. Member for Vancouver East (Mrs. Mitchell), the Hon. Member for Saskatoon East (Mr. Ogle), the Hon. Member for Regina East (Mr. de Jong), the Hon. Member for The Battlefords-Meadow Lake (Mr. Anguish), the Hon. Member for Kootenay West (Mr. Kristiansen) and myself. That is just a